Amendments to the Claims:

This listing of claims replaces all prior versions and listings of claims in the application:

Listing of Claims:

1. (Currently Amended) An electrosurgical instrument comprising:

a shaft defining a longitudinal axis;

a flexible portion; and

a head coupled to the shaft through the flexible portion, a part of the flexible portion enclosed by a portion of the head such that the part of the flexible portion enclosed by the portion of the head defines~~head is free to pivot about~~ an axis substantially transverse to the longitudinal axis of the shaft and about which the head is free to pivot~~defined by the flexible portion~~, the head including an electrically conductive surface and a substantially planar, flat non-conductive surface, the electrically conductive surface having at least a portion recessed in or projecting from the flat, non-conductive surface,

wherein the flexible portion is configured to passively bias the electrically conductive surface towards a tissue surface and is arranged such that, in a relaxed state, the transverse axis is offset from the longitudinal axis of the shaft by a distance D.

2. (Original) The electrosurgical instrument of claim 1, wherein the flexible portion comprises a n+itinol wire.

3. (Withdrawn) The electrosurgical instrument of claim 1, wherein the flexible portion comprises a nitinol tube.

4. (Original) The electrosurgical instrument of claim 1, wherein the flexible portion comprises a spring.

5. (Withdrawn) The electrosurgical instrument of claim 1, wherein the flexible portion comprises a distal portion of the shaft.

6. (Withdrawn) The electrosurgical instrument of claim 5, wherein the distal portion is corrugated.

7. (Withdrawn) The electrosurgical instrument of claim 5, wherein the distal portion has a radial cross section similar to a radial cross section of a remainder of the shaft.

8. (Original) The electrosurgical instrument of claim 1, wherein the flexible portion is configured to flex in at least a direction and the head is configured to pivot about an axis substantially perpendicular to the direction.

9. (Withdrawn) The electrosurgical instrument of claim 1, wherein the head is configured to pivot in three dimensions about the flexible portion.

10. (Withdrawn) The electrosurgical instrument of claim 9, wherein the head and the flexible member are coupled by a ball-and-socket joint.

11. (Original) The electrosurgical instrument of claim 1, wherein the head includes a slot about which the head is configured to pivot.

12. (Original) The electrosurgical instrument of claim 11, wherein the slot is a transverse slot pivotably receiving the flexible portion.

13. (Withdrawn) The electrosurgical instrument of claim 11, wherein the slot is a transverse slot pivotably receiving a wire coupled to the flexible portion.

14. (Withdrawn) The electrosurgical instrument of claim 13, wherein the wire is rigid.

15. (Withdrawn) The electrosurgical instrument of claim 1, further comprising a living hinge disposed between the head and the flexible portion.

16. (Withdrawn) The electrosurgical instrument of claim 15, wherein the living hinge is adjacent to and connects the head and the flexible portion, and the living hinge comprises a section that is thinner than portions of the head and the flexible portion that are adjacent to the living hinge.

17. (Previously Presented) The electrosurgical instrument of claim 1, wherein the non-conductive surface is arranged relative to the electrically conductive surface to limit penetration of the electrically conductive surface into the tissue surface.

18. (Canceled)

19. (Canceled)

20. (Original) The electrosurgical instrument of claim 17, wherein the electrically conductive surface projects from the non-conductive surface.

21. (Original) The electrosurgical instrument of claim 17, wherein the electrically conductive surface is recessed in the non-conductive surface.

22. (Original) The electrosurgical instrument of claim 17, wherein the electrically conductive surface has a first surface area, the non-conductive surface has a second surface area, and the first surface area is smaller than the second surface area.

23. (Original) The electrosurgical instrument of claim 1, wherein the head comprises an electrode and the electrode includes the electrically conductive surface.

24. (Original) The electrosurgical instrument of claim 23, wherein the electrode has a T-shape.

25. (Withdrawn) The electrosurgical instrument of claim 23, wherein the electrode has an L-shape.

26. (Withdrawn) The electrosurgical instrument of claim 1, further comprising a return electrode, wherein the electrically conductive surface and the return electrode are configured to be coupled to opposite poles of an electrosurgical generator.

27. (Withdrawn) The electrosurgical instrument of claim 1, wherein the head comprises a first portion and a second portion.

28. (Withdrawn) The electrosurgical instrument of claim 27, wherein the first portion comprises a projection, and the second portion defines a hole that receives the projection.

29. (Withdrawn) The electrosurgical instrument of claim 28, wherein the projection is deformed to secure the projection in the hole.

30. (Withdrawn) The electrosurgical instrument of claim 27, wherein the first portion comprises a groove and the second portion comprises a ridge aligned with the groove.

31. (Original) The electrosurgical instrument of claim 1, wherein the head has a substantially parallelepiped shape.

32. (Original) The electrosurgical instrument of claim 1, further comprising a sheath coupled to the shaft and moveable to at least partially cover the flexible portion and the head.

33. (Currently Amended) A method of performing electrosurgery comprising:

positioning an electrically conductive surface of a head of an instrument adjacent to a tissue surface, the head including a substantially planar, flat non-conductive tissue contact surface and having a portion enclosing a part of a~~the~~ flexible portion, the part of the flexible portion enclosed by the head defining an axis substantially transverse to the longitudinal axis of the shaft and about which ~~such that~~ the head is free to pivot ~~about an axis substantially transverse to a longitudinal axis of a shaft of the instrument defined by the flexible portion~~, the electrically conductive surface having at least a portion recessed in or projecting from the flat, non-conductive surface and the flexible portion being arranged such that, in a relaxed state, the transverse axis is offset from the longitudinal axis of the shaft by a distance D; and

moving the shaft relative to the tissue surface with the head pivoting such that the electrically conductive surface is oriented substantially parallel to the tissue surface.

34. (Previously Presented) The method of claim 33, further comprising biasing the electrically conductive surface towards the tissue surface using the flexible portion of the instrument.

35. (Currently Amended) An electrosurgical instrument comprising:

a shaft defining a longitudinal axis;

a flexible portion; and

a head coupled to the shaft, the head including a substantially planar, flat non-conductive tissue contact surface and an electrically conductive surface, the electrically conductive surface having at least a portion recessed in or projecting from the flat, non-conductive surface, a part of the flexible portion enclosed by a portion of the head such that the part of the flexible portion enclosed by the portion of the head defines ~~head is free to pivot about~~ an axis substantially

transverse to the longitudinal axis of the shaft and about which the head is free to pivot~~defined by the flexible portion~~ such that the electrically conductive surface is oriented substantially parallel to the tissue surface as the head moves across the tissue surface,

wherein the flexible portion is arranged such that, in a relaxed state, the transverse axis is offset from the longitudinal axis of the shaft by a distance D.

36. (Withdrawn) An electrosurgical instrument comprising:

a shaft; and

a head coupled to the shaft, the head being pivotable relative to the shaft, and the head including an electrically conductive surface, for treating tissue, positioned at only one side of the head.

37. (Currently Amended) An electrosurgical instrument comprising:

a shaft defining a longitudinal axis;

a flexible member; and

a head coupled to the shaft, the head including a substantially planar, flat non-conductive tissue contact surface and an electrically conductive surface, the electrically conductive surface having at least a portion recessed in or projecting from the flat, non-conductive surface, a part of the flexible member enclosed by a portion of the head such that the part of the flexible member enclosed by the portion of the head defines~~head is free to pivot about~~ an axis substantially transverse to the longitudinal axis of the shaft and about which the head is free to pivot~~defined by the flexible member~~,

wherein the head is configured to pivot relative to the shaft and to slide across a tissue surface as the electrically conductive surface is moved across the tissue surface and wherein the flexible member is arranged such that, in a relaxed state, the transverse axis is offset from the longitudinal axis of the shaft by a distance D.

38. (Currently Amended) A method of performing electrosurgery comprising:

positioning an electrically conductive surface of a head of an instrument adjacent to a tissue surface, the head including a substantially planar, flat non-conductive tissue contact surface and including a portion enclosing a part of a~~the~~ flexible member, the part of the flexible member enclosed by the portion of the head defining an axis substantially transverse to the longitudinal axis of the shaft and about which ~~such that~~ the head is free to pivot ~~about an axis substantially transverse to a longitudinal axis of a shaft of the instrument defined by the flexible member~~, the electrically conductive surface having at least a portion recessed in or projecting from the flat, non-conductive surface and the flexible member being arranged such that, in a relaxed state, the transverse axis is offset from the longitudinal axis of the shaft by a distance D; and

sliding the head across the tissue surface, wherein the head pivots relative to the shaft to facilitate the sliding.

39. (Withdrawn) A method of treating chondromalacia comprising:

positioning an electrically conductive surface of a head of an instrument adjacent to a cartilage surface, the head being pivotable relative to a shaft of the instrument;

moving the shaft relative to the cartilage surface, whereby the head pivots relative to the cartilage surface; and

applying electrical energy to the electrically conductive surface to treat chondromalacia.

40. (Currently Amended) An electrosurgical instrument comprising:

a shaft defining a longitudinal axis;

a resiliently flexible portion; and

a head coupled to the shaft through the resiliently flexible portion, a part of the flexible portion enclosed by a portion of the head such that the part of the flexible portion enclosed by the portion of the head defines~~head is free to pivot about~~ an axis substantially transverse to the longitudinal axis of the shaft and about which the head is free to pivot~~defined by the flexible~~

~~portion~~, the head including a substantially planar, flat non-conductive tissue contact surface and an electrically conductive surface, the electrically conductive surface having at least a portion recessed in or projecting from the flat, non-conductive surface,wherein the resiliently flexible portion is configured to passively bias the electrically conductive portion towards a tissue surface and is arranged such that, in a relaxed state, the transverse axis is offset from the longitudinal axis of the shaft by a distance D.

41. (Original) The electrosurgical instrument of claim 40, wherein the shaft defines a longitudinal axis and the head is offset from the axis.

42. (Withdrawn) The electrosurgical instrument of claim 40, wherein the resiliently flexible portion comprises a distal portion of the shaft.

43. (Original) The electrosurgical instrument of claim 40, wherein the substantially planar contact surface includes a non-conductive portion.

44. (Original) The electrosurgical instrument of claim 43, wherein the non-conductive portion has a larger surface area than the electrically conductive portion.

45. (Original) The electrosurgical instrument of claim 40, further comprising an electrical lead coupled to the electrically conductive portion.

46. (Currently Amended) An electrosurgical instrument comprising:

a shaft defining a longitudinal axis;

conducting means including an electrically conductive surface and a substantially planar, flat non-conductive surface for applying energy to a tissue surface, the electrically conductive surface having at least a portion recessed in or projecting from the flat, non-conductive surface;

~~flexing means coupled to the conducting means for biasing the conducting means towards the tissue surface;~~ and

pivoting means enclosed by a portion of the conducting means such that the pivoting means defines an axis substantially transverse to the longitudinal axis of the shaft about which the conducting means is free to pivot ~~about an axis substantially transverse to the longitudinal axis of the shaft defined by the pivoting means~~ relative to the flexing means, wherein the pivoting means is arranged such that, in a relaxed state, the transverse axis is offset from the longitudinal axis of the shaft by a distance D.

47. (Currently Amended) An electrosurgical instrument comprising:

a shaft defining a longitudinal axis;

a flexible portion; and

a head pivotably coupled to the flexible portion, a part of the flexible portion enclosed by a portion of the head such that the part of the flexible portion enclosed by the portion of the head defines~~head is free to pivot about~~ an axis substantially transverse to the longitudinal axis of the shaft and about which the head is free to pivot~~defined by the flexible portion~~, the head including an electrically conductive surface and a substantially planar, flat non-conductive surface, the electrically conductive surface having at least a portion recessed in or projecting from the flat, non-conductive surface, the non-conductive surface sized to limit how far the electrically conductive surface can advance into tissue such that the tissue effect is limited to one or more of debriding, smoothing, and sealing the tissue,

wherein the flexible portion is configured to passively bias the electrically conductive surface towards a tissue surface and is arranged such that, in a relaxed state, the transverse axis is offset from the longitudinal axis of the shaft by a distance D.

48. (Previously Presented) The instrument of claim 47, wherein the electrically conductive surface has a first surface area of between about 0.0009 to 0.0036 square inches and

the substantially planar, flat non-conductive surface has a second surface area of between about 0.01 to 0.057 square inches.

49. (Previously Presented) The instrument of claim 47, further comprising a flexible power lead coupled between the shaft and the electrically conductive surface.

50. (Previously Presented) The instrument of claim 1, wherein the electrically conductive surface has a first surface area of between about 0.0009 to 0.0036 square inches and the substantially planar, flat non-conductive surface has a second surface area of between about 0.01 to 0.057 square inches.

51. (Previously Presented) The instrument of claim 1, further comprising a flexible power lead coupled between the shaft and the electrically conductive surface.

52. (Previously Presented) The instrument of claim 35, wherein the electrically conductive surface has a first surface area of between about 0.0009 to 0.0036 square inches and the substantially planar, flat non-conductive surface has a second surface area of between about 0.01 to 0.057 square inches.

53. (Previously Presented) The instrument of claim 35, further comprising a flexible power lead coupled between the shaft and the electrically conductive surface.

54. (Previously Presented) The instrument of claim 37, wherein the electrically conductive surface has a first surface area of between about 0.0009 to 0.0036 square inches and the substantially planar, flat non-conductive surface has a second surface area of between about 0.01 to 0.057 square inches.

55. (Previously Presented) The instrument of claim 37, further comprising a flexible power lead coupled between the shaft and the electrically conductive surface.

56. (Previously Presented) The instrument of claim 40, wherein the electrically conductive surface has a first surface area of between about 0.0009 to 0.0036 square inches and the substantially planar, flat non-conductive surface has a second surface area of between about 0.01 to 0.057 square inches.

57. (Previously Presented) The instrument of claim 40, further comprising a flexible power lead coupled between the shaft and the electrically conductive surface.

58. (Currently Amended) An electrosurgical instrument comprising:

a shaft defining a longitudinal axis;

a flexible portion; and

a head coupled to the shaft through the flexible portion, the head including an electrically conductive surface and a substantially planar, flat non-conductive surface, the electrically conductive surface having at least a portion recessed in or projecting from the flat, non-conductive surface, a part of the flexible portion enclosed by a portion of the head such that the part of the flexible portion enclosed by the portion of the head defines an axis substantially transverse to the longitudinal axis of the shaft and about which the head ~~being configured and shaped such that the head~~ is free to pivot ~~about an axis substantially transverse to the longitudinal axis of the shaft defined by the flexible portion~~ such that during use the electrode is maintained in contact with a tissue surface as the head moves across the tissue surface, wherein the flexible portion is arranged such that, in a relaxed state, the transverse axis is offset from the longitudinal axis of the shaft by a distance D.

59. (Previously Presented) The instrument of claim 58, wherein the electrically conductive surface has a first surface area of between about 0.0009 to 0.0036 square inches and

the substantially planar, flat non-conductive surface has a second surface area of between about 0.01 to 0.057 square inches.

60. (Previously Presented) The instrument of claim 58, further comprising a flexible power lead coupled between the shaft and the electrically conductive surface.

61. (New) An instrument comprising:

a shaft defining a longitudinal axis;

a flexible portion having a first end and a second end, the first and second ends of the flexible portion directly attached to an end of the shaft; and

a head coupled to the shaft through the flexible portion, a part of the flexible portion enclosed by a portion of the head such that the head is free to pivot about an axis defined by the part of the flexible portion enclosed by the portion of the head, the axis being substantially transverse to the longitudinal axis of the shaft, the head including an electrically conductive surface and a substantially planar, flat non-conductive surface, the electrically conductive surface having at least a portion recessed in or projecting from the flat, non-conductive surface,

wherein the flexible portion is configured to passively bias the electrically conductive surface towards a tissue surface and is arranged such that, in a relaxed state, the transverse axis defined by the flexible portion is offset from the longitudinal axis of the shaft by a distance D.

62. (New) The instrument of claim 61, wherein the head includes a slot for receiving a part of the flexible portion and about which the head is configured to pivot.

63. (New) The instrument of claim 61, wherein the electrically conductive surface projects from the non-conductive surface.

64. (New) The instrument of claim 61, wherein the electrically conductive surface is recessed in the non-conductive surface.

65. (New) The instrument of claim 61, wherein the electrically conductive surface has a first surface area, the non-conductive surface has a second surface area, and the first surface area is smaller than the second surface area.